

Congress of the United States
Washington, DC 20515

Received & Inspected

SEP 23 2013

September 18, 2013

FCC Mail Room

The Honorable Mignon Clyburn
Acting Chairwoman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

0499

Dear Chairwoman Clyburn:

We are writing to draw your attention to the urgent need for action on the long-pending request of station WMC-TV, Memphis, Tennessee, to move from low VHF Channel 5 to UHF Channel 17.

WMC-TV filed its request to change channels over two years ago, in May 2011, because so many of its viewers and our constituents have been unable to receive the station's free, over-the-air signal since the digital transition in 2009. The inability to receive WMC-TV's low VHF signal hits hardest senior citizens, low-income households, and African American households which still depend substantially on over-the-air television. These viewers are unable to access WMC-TV's vital news and emergency information, network programming — including Bounce TV programming, a network launched specifically to serve African American viewers — and other program offerings. Many have been forced to pay for cable or satellite subscriptions in order to receive the station's signal, while many others cannot afford to do so, and have simply given up on being able to access WMC-TV's services.

By moving to its requested UHF channel, WMC-TV would be able to provide a more robust over-the-air signal that would be free to these households. We understand that the Commission has expressed reluctance to process the station's petition, although it was filed before the freeze on future, similar filings was issued. Notably, in issuing the freeze, the Commission committed to continue processing petitions that already had been filed. In addition, Congress added Section 6403(g)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012 to ensure that the Commission could act on such petitions consistent with — not contrary to — that legislation.

Thousands of viewers have been waiting for years for relief on this issue. In the interests of basic fairness and serving the public interest, we ask that the Commission move expeditiously to take action on WMC-TV's petition.

Thank you for your attention to this matter.

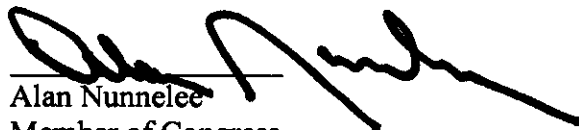
Sincerely,



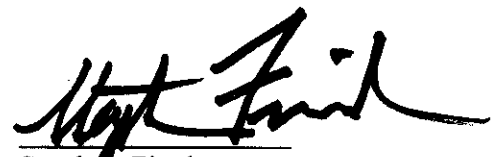
Steve Cohen
Member of Congress



Marsha Blackburn
Member of Congress



Alan Nunnelee
Member of Congress



Stephen Fincher
Member of Congress



Rick Crawford
Member of Congress

1944

1945

1946



Mignon L. Clyburn
Acting Chairwoman

FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

The Honorable Marsha Blackburn
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Blackburn:

Thank you for your regarding a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee from digital VHF to UHF. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 31, 2013

IN REPLY REFER TO:
CN-1300999

The Honorable Marsha Blackburn
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Blackburn:

Thank you for your letter regarding the status of a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee, from digital VHF to UHF. Your views are very important to the Commission and will be included in the record of the proceeding.

The petition submitted by WMC is one of approximately ten requests that were filed with the Commission on or before May 31, 2011 by VHF stations seeking to relocate to a UHF channel. As you know, Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) specifically prohibits the Commission from granting a VHF to UHF channel change until completion of the broadcast incentive auction authorized in the Act unless doing so would not decrease the amount of UHF spectrum available for reallocation or the request was pending on May 31, 2011.

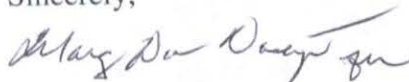
On September 28, 2012, the Commission adopted a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment on a number of issues and proposals to implement the Spectrum Act. In the *Notice*, the Commission found that it could not yet determine whether granting any of the pending VHF to UHF channel changes would decrease the amount of UHF spectrum available for reallocation and compromise the Commission's flexibility in the repacking process. Thus, to achieve the Act's goal of maximizing the value of spectrum reclaimed for flexible use, the Commission proposed to exercise its discretion and not act at this time on any pending requests to reassign a station from a VHF to a UHF channel, including requests that were pending on or before May 31, 2011.

Commission staff has completed its evaluation of the record developed in the proceeding and is preparing a decision for the Commission's consideration. The recommended decision will address the proposals discussed in the *Notice*, including the disposition of pending VHF to UHF channel change requests. Please be assured that the pending petitions will be considered carefully as the Commission continues its work to implement the incentive auction provisions of the Spectrum Act.

Page 2—The Honorable Marsha Blackburn

The Commission appreciates your interest in this matter, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

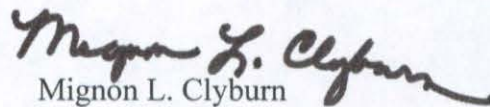
The Honorable Stephen Fincher
U.S. House of Representatives
1118 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Fincher:

Thank you for your regarding a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee from digital VHF to UHF. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 31, 2013

IN REPLY REFER TO:
CN-1300999

The Honorable Stephen Fincher
U.S. House of Representatives
1118 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Fincher:

Thank you for your letter regarding the status of a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee, from digital VHF to UHF. Your views are very important to the Commission and will be included in the record of the proceeding.

The petition submitted by WMC is one of approximately ten requests that were filed with the Commission on or before May 31, 2011 by VHF stations seeking to relocate to a UHF channel. As you know, Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) specifically prohibits the Commission from granting a VHF to UHF channel change until completion of the broadcast incentive auction authorized in the Act unless doing so would not decrease the amount of UHF spectrum available for reallocation or the request was pending on May 31, 2011.

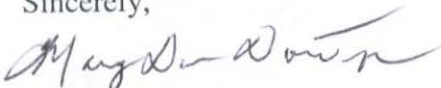
On September 28, 2012, the Commission adopted a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment on a number of issues and proposals to implement the Spectrum Act. In the *Notice*, the Commission found that it could not yet determine whether granting any of the pending VHF to UHF channel changes would decrease the amount of UHF spectrum available for reallocation and compromise the Commission's flexibility in the repacking process. Thus, to achieve the Act's goal of maximizing the value of spectrum reclaimed for flexible use, the Commission proposed to exercise its discretion and not act at this time on any pending requests to reassign a station from a VHF to a UHF channel, including requests that were pending on or before May 31, 2011.

Commission staff has completed its evaluation of the record developed in the proceeding and is preparing a decision for the Commission's consideration. The recommended decision will address the proposals discussed in the *Notice*, including the disposition of pending VHF to UHF channel change requests. Please be assured that the pending petitions will be considered carefully as the Commission continues its work to implement the incentive auction provisions of the Spectrum Act.

Page 2—The Honorable Stephen Fincher

The Commission appreciates your interest in this matter, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau



Mignon L. Clyburn
Acting Chairwoman

FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

The Honorable Rick Crawford
U.S. House of Representatives
1711 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Crawford:

Thank you for your regarding a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee from digital VHF to UHF. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 31, 2013

IN REPLY REFER TO:
CN-1300999

The Honorable Rick Crawford
U.S. House of Representatives
1711 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Crawford:

Thank you for your letter regarding the status of a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee, from digital VHF to UHF. Your views are very important to the Commission and will be included in the record of the proceeding.

The petition submitted by WMC is one of approximately ten requests that were filed with the Commission on or before May 31, 2011 by VHF stations seeking to relocate to a UHF channel. As you know, Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) specifically prohibits the Commission from granting a VHF to UHF channel change until completion of the broadcast incentive auction authorized in the Act unless doing so would not decrease the amount of UHF spectrum available for reallocation or the request was pending on May 31, 2011.

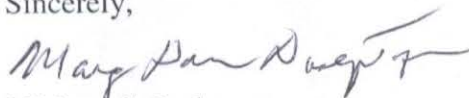
On September 28, 2012, the Commission adopted a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment on a number of issues and proposals to implement the Spectrum Act. In the *Notice*, the Commission found that it could not yet determine whether granting any of the pending VHF to UHF channel changes would decrease the amount of UHF spectrum available for reallocation and compromise the Commission's flexibility in the repacking process. Thus, to achieve the Act's goal of maximizing the value of spectrum reclaimed for flexible use, the Commission proposed to exercise its discretion and not act at this time on any pending requests to reassign a station from a VHF to a UHF channel, including requests that were pending on or before May 31, 2011.

Commission staff has completed its evaluation of the record developed in the proceeding and is preparing a decision for the Commission's consideration. The recommended decision will address the proposals discussed in the *Notice*, including the disposition of pending VHF to UHF channel change requests. Please be assured that the pending petitions will be considered carefully as the Commission continues its work to implement the incentive auction provisions of the Spectrum Act.

Page 2—The Honorable Rick Crawford

The Commission appreciates your interest in this matter, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Perko", with a stylized flourish at the end.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

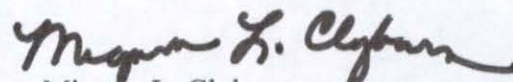
The Honorable Alan Nunnelee
U.S. House of Representatives
1427 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Nunnelee:

Thank you for your regarding a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee from digital VHF to UHF. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 31, 2013

IN REPLY REFER TO:
CN-1300999

The Honorable Alan Nunnelee
U.S. House of Representatives
1427 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Nunnelee:

Thank you for your letter regarding the status of a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee, from digital VHF to UHF. Your views are very important to the Commission and will be included in the record of the proceeding.

The petition submitted by WMC is one of approximately ten requests that were filed with the Commission on or before May 31, 2011 by VHF stations seeking to relocate to a UHF channel. As you know, Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) specifically prohibits the Commission from granting a VHF to UHF channel change until completion of the broadcast incentive auction authorized in the Act unless doing so would not decrease the amount of UHF spectrum available for reallocation or the request was pending on May 31, 2011.

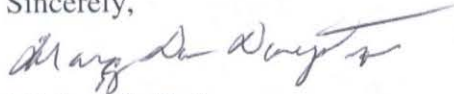
On September 28, 2012, the Commission adopted a *Notice of Proposed Rulemaking (Notice)* seeking public comment on a number of issues and proposals to implement the Spectrum Act. In the *Notice*, the Commission found that it could not yet determine whether granting any of the pending VHF to UHF channel changes would decrease the amount of UHF spectrum available for reallocation and compromise the Commission's flexibility in the repacking process. Thus, to achieve the Act's goal of maximizing the value of spectrum reclaimed for flexible use, the Commission proposed to exercise its discretion and not act at this time on any pending requests to reassign a station from a VHF to a UHF channel, including requests that were pending on or before May 31, 2011.

Commission staff has completed its evaluation of the record developed in the proceeding and is preparing a decision for the Commission's consideration. The recommended decision will address the proposals discussed in the *Notice*, including the disposition of pending VHF to UHF channel change requests. Please be assured that the pending petitions will be considered carefully as the Commission continues its work to implement the incentive auction provisions of the Spectrum Act.

Page 2—The Honorable Alan Nunnelee

The Commission appreciates your interest in this matter, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko", with a stylized flourish extending from the end.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau



Mignon L. Clyburn
Acting Chairwoman

FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

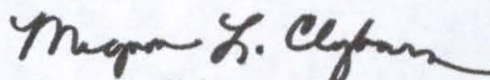
The Honorable Steve Cohen
U.S. House of Representatives
2404 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Cohen:

Thank you for your regarding a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee from digital VHF to UHF. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 31, 2013

IN REPLY REFER TO:
CN-1300999

The Honorable Steve Cohen
U.S. House of Representatives
2404 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Cohen:

Thank you for your letter regarding the status of a pending request to change the channel allocations for WMC-DT, Memphis, Tennessee, from digital VHF to UHF. Your views are very important to the Commission and will be included in the record of the proceeding.

The petition submitted by WMC is one of approximately ten requests that were filed with the Commission on or before May 31, 2011 by VHF stations seeking to relocate to a UHF channel. As you know, Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) specifically prohibits the Commission from granting a VHF to UHF channel change until completion of the broadcast incentive auction authorized in the Act unless doing so would not decrease the amount of UHF spectrum available for reallocation or the request was pending on May 31, 2011.

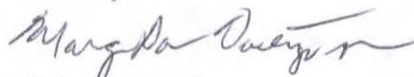
On September 28, 2012, the Commission adopted a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment on a number of issues and proposals to implement the Spectrum Act. In the *Notice*, the Commission found that it could not yet determine whether granting any of the pending VHF to UHF channel changes would decrease the amount of UHF spectrum available for reallocation and compromise the Commission's flexibility in the repacking process. Thus, to achieve the Act's goal of maximizing the value of spectrum reclaimed for flexible use, the Commission proposed to exercise its discretion and not act at this time on any pending requests to reassign a station from a VHF to a UHF channel, including requests that were pending on or before May 31, 2011.

Commission staff has completed its evaluation of the record developed in the proceeding and is preparing a decision for the Commission's consideration. The recommended decision will address the proposals discussed in the *Notice*, including the disposition of pending VHF to UHF channel change requests. Please be assured that the pending petitions will be considered carefully as the Commission continues its work to implement the incentive auction provisions of the Spectrum Act.

Page 2—The Honorable Steve Cohen

The Commission appreciates your interest in this matter, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko", with a stylized flourish at the end.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau